

LEGISLATIVE BILL 227

Approved by the Governor March 2, 2004

Introduced by Aguilar, 35; Byars, 30; Price, 26; Thompson, 14

AN ACT relating to motor vehicles; to amend section 60-6,265, Reissue Revised Statutes of Nebraska, and sections 60-6,267 and 60-6,268, Revised Statutes Supplement, 2002; to redefine a term; to change provisions relating to use and enforcement of use of occupant protection systems; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-6,265, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,265. For purposes of sections 60-6,266 to 60-6,273, occupant protection system ~~shall mean~~ means a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (1) restrains drivers and passengers and (2) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and 571.210, as such standards existed on January 1, 2004, or to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year.

Sec. 2. Section 60-6,267, Revised Statutes Supplement, 2002, is amended to read:

60-6,267. (1) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:

(a) All children up to six years of age being transported ~~in~~ by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on ~~July 20, 2002~~ January 1, 2004, and which is correctly installed in such vehicle; and

(b) All children six years of age and less than ~~sixteen~~ eighteen years of age being transported ~~in~~ by such vehicle use an occupant protection system.

This subsection shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on ~~July 20, 2002~~ January 1, 2004, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(2) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(3) The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) of this section when operating such authorized emergency vehicles pursuant to their employment.

(4) A driver of a motor vehicle shall not be subject to the requirements of subsection (1) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(5) The Department of Motor Vehicles shall develop and implement an ongoing statewide public information and education program regarding the use of child passenger restraint systems and occupant protection systems and the availability of distribution and discount programs for child passenger restraint systems.

~~(5)~~ (6) All persons being transported ~~in~~ by a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system.

Sec. 3. Section 60-6,268, Revised Statutes Supplement, 2002, is amended to read:

60-6,268. (1) A person violating any provision of subsection (1) of section 60-6,267 shall be guilty of an infraction as defined in section 29-431

and shall be fined twenty-five dollars for each violation. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in such subsection, shall not be treated as a separate offense.

(2) Enforcement of subdivision (1)(b) and subsection ~~(5)~~ (6) of section 60-6,267 shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation or some other offense unless the violation involves a person under the age of eighteen years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.

Sec. 4. Original section 60-6,265, Reissue Revised Statutes of Nebraska, and sections 60-6,267 and 60-6,268, Revised Statutes Supplement, 2002, are repealed.